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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,402	09/28/2001	Minoru Shibata	P 283723 T36-137931M/AIO	2355

7590 12/16/2002

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EXAMINER

SILBERMANN, JOANNE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 12/16/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

964402

Applicant(s)

Shibata et al.

Examiner

Silbermann

Group Art Unit

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—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-16 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-16 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____.

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the scuff plate on a side step portion of a car must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Durbin, US #6,076,294.

3. Durbin discloses an illumination apparatus including LED 40, light guide plate 20 (Fig. 3) having groove 26 for the LEDs, and character portions 30 on the back surface of plate 20. Base member 60 covers the back of the apparatus and is bonded to the plate around the edge. Grooves 26 are formed in the back of the plate. The base member and the light guide plate are both made of LEXAN. Durbin does not describe welding these parts together, however, the method of forming the device is not germane to the

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issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight. Layer 62 reflects light when the device is illuminated.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin.

6. Durbin does not teach a second groove, however, this is considered to be a plurality of known parts. It has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

7. Durbin does not teach a metal layer on the back of the light guide plate. Durbin teaches an enamel layer, 50, and a fluorescent layer, 62. These layers distinguish the letters from the background. It would have been obvious to one of ordinary skill to utilize a different material (such as metal) to distinguish these separate areas since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin in view of Schindele et al., US #5,641,221.

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9. Durbin does not teach using the device on the scuff plate of a car, however, this is well known. Schindele et al. teach a lighted display on a car scuff plate (Figure 1). It would have been obvious to one of ordinary skill in the art to utilize the display in such a manner as described in Schindele et al. so as to provide an aesthetically pleasing display as well as additional illumination in a car.

10. Claims 8-13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin in view of Cocks et al. US #5,036,243.

11. Durbin, as described previously, does not teach hermetically sealing the light guide plate and the base member, however, this is well known in the art. Cocks et al. teaches a illuminated display including front and rear plates that are hermetically sealed (see Summary of the Invention). It would have been obvious to one of ordinary skill in the art to seal the front and rear members of Durbin to provide a display having improved durability and robustness, as described by Cocks et al.

12. The edge portions of the light guide plate of Durbin are considered to be a flange.

13. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin and Cocks et al. as applied to claim 8 above, and further in view of Schindele et al.

14. It would have been obvious to utilize the display in a car for the same reasons as discussed above with respect to claim 7.

15. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Durbin and Cocks et al. as applied to claim 8 above, and further in view of Hoffman, US #5,339,550.

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16. Durbin and Cocks et al. do not teach a light permeable sheet member on the light guide plate, however, this is well known in the art. Hoffman teaches transparent cover panel 74 (Fig. 8) over the illuminated display. It would have been obvious to one of ordinary skill to utilize such a panel over a display to provide protection without affecting the quality of the display.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patents 5228223, 6308444 and 4965950 are cited as of interest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joanne Silbermann whose telephone number is 703-308-2091. The examiner can normally be reached on Tu-Th 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9326 for regular communications and 703-872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Joanne Silbermann
Primary Examiner
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December 13, 2002